

**PATENT**

Atty. Docket No. 31045-101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

JOHN C. S. Koo

Group Art Unit: 3728

Serial No.: 10/613,741

Examiner: Jila M. Mohandes

Filed: July 3, 2003

Conf. No.: 5633

For: SHOE HAVING A CONTOURED BOTTOM  
WITH SMALL PARTICLES BONDED TO  
THE LOWEST EXTENDING PORTIONS  
THEREOF

**REPLY BRIEF  
ON APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief - Patent  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

This Reply Brief is submitted in response to the Examiner's Answer, which was mailed on April 30, 2008.

In the Answer, the Examiner mainly repeats the arguments made in the final rejection. Appellant fully addressed those arguments in the Appeal Brief, and yet the Examiner has not specifically responded to any of the points raised by Appellant.

There is only a single new paragraph in the Answer, which is the paragraph numbered "1)" on page 8 of the Answer. In that paragraph, the Examiner first briefly notes that "the test [for obviousness] is what the combined teachings of the references would have suggested to those of ordinary skill in the art." Then, the Examiner simply

argues, "The claim would have been obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention."

This generic, conclusory statement does not respond at all to any of the specific points raised by Appellant in the Appeal Brief as to why the various groups of pending claims would not have been obvious in view of the various combinations of applied art. Based on all of those unrefuted points, Appellant continues to believe that the present claims are in fact allowable over the applied art.

In addition, the foregoing new argument made by the Examiner appears to apply to just one of the points raised by Appellant with respect to just one (unspecified) claim. The Examiner does not even attempt to address the other points raised by Appellant or even attempt to respond with respect to the various groups of claims that have been separately addressed by Appellant.

In view of the foregoing remarks, Appellant respectfully requests that the rejection of claims 1-36 be reversed and a Notice of Allowance issued.

Respectfully submitted,

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Dated: June 20, 2008

By /Joseph G. Swan/  
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